



September 27, 2022

By e-mail only to schewel@tinfulton.com
Mr. Abraham Rubert-Schewel
TIN FULTON WALKER & OWEN, PLLC
119 E. Main Street
Durham, NC 27701

Re: *Irving v. City*; U.S. District Court (E.D.N.C.); No. 5:22-cv-00068-BO

Dear Abe:

We received Plaintiff's deposition notice seeking to depose Police Chief Estella Patterson on November 2, 2022. Chief Patterson was not employed by the City of Raleigh at the time of the May 2020 incident described in the Second Amended Complaint and has no unique personal knowledge about the incident. She was appointed Chief over a year later in August 2021. She is not personally a party to the lawsuit as she is included only in her official capacity.

We would appreciate understanding why Plaintiffs are seeking the Chief's deposition and the general types of information that Plaintiffs wish to obtain from her in this Phase I of the *Irving* litigation. Since that deposition date is quickly approaching, please provide whatever information you are willing to share as soon as possible. Thank you and we look forward to hearing from you.

Sincerely,

/s/Dottie Kibler
Dorothy V. Kibler
Deputy City Attorney

cc: Amy C. Petty

EXHIBIT 3

From: [Petty, Amy](#)
To: [Abraham Rubert-Schewel](#); elizabeth@emancipatenc.org; ian@emancipatenc.org; [Emily Gladden](#); mll@littlejohn-law.com
Cc: [Kibler, Dottie](#); [Norwood Blanchard](#); [Rod Pettey](#); [Peterson, Daniel E.](#); [Cook, Lauren A.](#); [Burn, Vicki B.](#); [Dixon, Jessica C.](#); [Leslie Packer](#); [Michelle Liguori](#); [Benton, Jason R.](#)
Subject: RE: Amended Notice of Depositions
Date: Wednesday, October 19, 2022 11:09:00 AM

Abe and all, We anticipate filing a motion for a protective order regarding Chief Patterson's deposition. Also, we recently learned she has a scheduling conflict on November 2. We do not believe her deposition should be rescheduled until the court rules on our motion for a protective order. Thank you. Amy

Amy C. Petty
Senior Associate City Attorney
City of Raleigh
City Attorney's Office
Direct: (919) 996-6617
Cell: (919) 614-9636
Facsimile: (919) 996-7021

From: Abraham Rubert-Schewel <schewel@tinfulton.com>
Sent: Tuesday, October 18, 2022 3:24 PM
To: Benton, Jason R. <jasonbenton@parkerpoe.com>; elizabeth@emancipatenc.org; ian@emancipatenc.org; [Emily Gladden <egladden@tinfulton.com>](mailto:egladden@tinfulton.com); mll@littlejohn-law.com
Cc: Kibler, Dottie <dorothy.kibler@raleighnc.gov>; Norwood Blanchard <norwood@cmclawfirm.com>; Rod Pettey <RPETTEY@ymwlaw.com>; Petty, Amy <Amy.Petty@raleighnc.gov>; bthompson@ymwlaw.com; Peterson, Daniel E. <danielpeterson@parkerpoe.com>; Cook, Lauren A. <laurencook@parkerpoe.com>; Burn, Vicki B. <vickiburn@parkerpoe.com>
Subject: Amended Notice of Depositions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe. If you believe this email is suspicious, please click the 'Phish Alert' link in the banner to report this message.

Dear all,

See attached Plaintiffs' amended notice of depositions.

We intend to proceed with the following depositions as scheduled:

- Meghan Gay, Oct. 28
- Chief Patterson, Nov. 2

Please provide all discovery (including personnel and IA files) as soon as possible so we may proceed without further delay.

Best,

—

Abraham Rubert-Schewel

Tin Fulton Walker & Owen, PLLC
www.tinfulton.com

(919) 451-9216 Tel

Durham Office
119 E. Main Street
Durham, NC 27701

Offices in Charlotte, Chapel Hill, Raleigh and Durham

A horizontal bar chart consisting of 14 black bars of varying lengths. The bars are arranged vertically, with the longest bar in the middle and the shortest bars at the top and bottom. The bars are of uniform thickness and are set against a white background.

11

11/11/2016

114

████████████████████

From: [Abraham Rubert-Schewel](#)
To: [Petty, Amy](#); [Ian Mance](#); elizabeth@emancipatenc.org; [Micheal L. Littlejohn Jr.](#); [Emily Gladden](#)
Cc: [Kibler, Dottie](#)
Subject: Re: Irving v. City
Date: Friday, October 14, 2022 3:30:44 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe. If you believe this email is suspicious, please click the 'Phish Alert' link in the banner to report this message.

Amy,

We intend to question Chief Patterson on the department's policies and procedures related to the claims in the lawsuit.

Best,

--

Abraham Rubert-Schewel

Tin Fulton Walker & Owen, PLLC
www.tinfulton.com

(919) 451-9216 Tel

Durham Office
119 E. Main Street
Durham, NC 27701

Offices in Charlotte, Chapel Hill, Raleigh and Durham

From: Abraham Rubert-Schewel <schewel@tinfulton.com>
Date: Thursday, October 13, 2022 at 1:53 PM
To: Petty, Amy <Amy.Petty@raleighnc.gov>, Ian Mance <ian@emancipatenc.org>, elizabeth@emancipatenc.org <elizabeth@emancipatenc.org>, Micheal L. Littlejohn Jr. <mll@littlejohn-law.com>, Emily Gladden <egladden@tinfulton.com>
Cc: Kibler, Dottie <dorothy.kibler@raleighnc.gov>
Subject: RE: Irving v. City

Thanks, Amy.

Sorry for the delay. We are meeting tomorrow and will get back to you by COB tomorrow.

Best,

Abe

From: Petty, Amy <Amy.Petty@raleighnc.gov>
Sent: Thursday, October 13, 2022 10:44 AM
To: Abraham Rubert-Schewel <schewel@tinfulton.com>
Cc: Kibler, Dottie <dorothy.kibler@raleighnc.gov>
Subject: FW: Irving v. City

Abe,

I am following up on the attached correspondence Dottie emailed you on 9/27. We had understood from our conference call with you and other counsel on 9/30 that you would respond to us the following week after a meeting amongst Plaintiffs' counsel. As it has been more than two weeks since that correspondence, please provide us with a response today. We hope to avoid the Court's involvement in this issue. Thank you. Amy

Amy C. Petty
Senior Associate City Attorney
City of Raleigh
City Attorney's Office
Direct: (919) 996-6617
Cell: (919) 614-9636
Facsimile: (919) 996-7021

From: Kibler, Dottie <dorothy.kibler@raleighnc.gov>
Sent: Tuesday, September 27, 2022 5:20 PM
To: Abraham Rubert-Schewel <schewel@tinfulton.com>
Cc: Petty, Amy <Amy.Petty@raleighnc.gov>; Svendsgaard, Lisabeth <Lisabeth.Svendsgaard@raleighnc.gov>
Subject: Irving v. City

Abe: Correspondence to you concerning Chief Patterson's deposition is attached.
Regards, Dottie

Dorothy V. Kibler
Deputy City Attorney
City of Raleigh
Reception: 919.996.6560
Direct: 919.996.6568
Cell: 919.946.8504
Fax: 919.996.7021
Raleighnc.gov